

#412

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GMAC REAL ESTATE, LLC,

Plaintiff,

vs.

No. 07 C 6803

**GARROW REAL ESTATE, LLC
d/b/a GARROW GMAC REAL ESTATE
and ROBERT GARROW,**

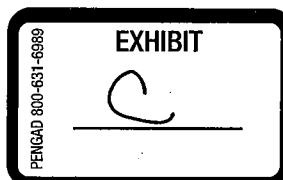
Defendants.

AFFIDAVIT OF KATHY McINTYRE

I, Kathy McIntyre, being first duly sworn on oath, depose and state as follows:

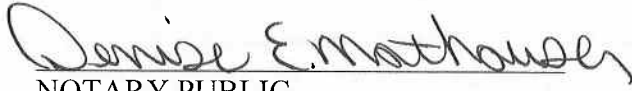
1. I am the Billing Department manager of Williams Montgomery & John, Ltd.
("WMJ").
2. I have personal knowledge of the facts contained herein and if called to testify can
do so competently.
3. I am responsible for handling all of WMJ's billings and collections.
4. Attached to this affidavit are true and correct copies of WMJ's invoices to GMAC
Real Estate, LLC for work on the above referenced matter by WMJ. The total billed fees and
costs is \$15,139.48.

Further Affiant sayeth naught.




KATHY MCINTYRE

Subscribed and Sworn to before me this
8th day of February, 2008.


NOTARY PUBLIC

Document #: 765533



A Firm of Trial Lawyers

Attorneys At Law
20 North Wacker Drive
Suite 2100
Chicago, IL 60606
312-443-3200

Employer I.D. 36-2715906

Mr. Richard Ballot
GMAC Home Services, LLC
465 South St., Suite 202
Morristown NJ 07960

February 7, 2008

Invoice 150023

Our Matter # 27621.00BUBV
GMAC Real Estate v. Garrow Real Estate, LLC

For Services Through February 6, 2008

Current Fees Due	\$3,925.00
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Total Current Fees and Costs Due	\$3,925.00
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12/18/2007	149491	\$8,044.88	
01/10/2008	149673	\$3,169.60	
Total Outstanding Invoices			\$11,214.48

TOTAL DUE AT THIS TIME	\$15,139.48
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Payment is due upon receipt...Please return this page with your payment

February 7, 2008

Invoice 150023

01/03/08	Attention to motion to default defendant in federal action.	
	E.R. Lifvendahl	0.30 hrs.
01/03/08	Research federal law regarding default and default judgment pursuant to FRCP 55; Research ability to obtain default judgment for injunctive relief; Sufficiency of allegations of complaint on motion for a default judgment; Research docket for status of appearance.	
	M.N. Ripani	2.30 hrs.
01/03/08	Review file materials and prepare motion for default judgment due to failure to timely respond to complaint.	
	M.N. Ripani	3.20 hrs.
01/04/08	Attention to motion for default issues and emails.	
	E.R. Lifvendahl	0.30 hrs.
01/06/08	Attention to emails from client regarding arbitration.	
	E.R. Lifvendahl	0.10 hrs.
01/07/08	Analysis and revisions to motion for default; initial draft of affidavit to support damages; attention to emails from AAA.	
	E.R. Lifvendahl	1.60 hrs.
01/07/08	Review correspondence from Ballot regarding defendant's assets and prepare response to same; discussion with E. Lifvendahl regarding discovery issues.	
	T.F. Falkenberg	0.30 hrs.
01/08/08	Attention to emails from AAA and defendant's attorney; further draft of affidavit regarding damages.	
	E.R. Lifvendahl	1.60 hrs.
01/09/08	Review and forward material to AAA regarding telephone conference call with arbitrator; attention to emails from AAA.	
	E.R. Lifvendahl	0.40 hrs.
01/10/08	Analysis and revisions to memo of law regarding damages.	
	E.R. Lifvendahl	0.50 hrs.
01/14/08	Attention to emails regarding bankruptcy.	
	E.R. Lifvendahl	0.10 hrs.
01/14/08	Conference with ERL regarding bankruptcy and strategy for moving forward.	
	T.F. Falkenberg	0.30 hrs.
01/16/08	Prepare revisions to motion for default judgment based upon personal bankruptcy of Robert Garrow.	

February 7, 2008

Invoice 150023

	M.N. Ripani	0.30 hrs.
01/17/08	Revise and file motion for default judgment against Garrow LLC.	
	E.R. Lifvendahl	0.80 hrs.
01/22/08	Prepare for and attend court regarding default motion; attention to service issues.	
	E.R. Lifvendahl	1.50 hrs.
01/29/08	Prepare for and attend court regarding default judgment; prepare order and forward to judge.	
	E.R. Lifvendahl	2.10 hrs.

BILLING SUMMARY

<u>Name</u>	<u>Title</u>	<u>Hours</u>	<u>Rate/Hr</u>	<u>Dollars</u>
E.R. Lifvendahl	PARTNER	9.30	250.00	\$2,325.00
M.N. Ripani	PARTNER	5.80	250.00	\$1,450.00
T.F. Falkenberg	PARTNER	0.60	250.00	\$150.00
TOTALS		15.70		\$3,925.00

Fees For Professional Services	\$3,925.00
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Total current billing for this invoice	\$3,925.00
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PLEASE REMIT TOTAL BALANCE DUE	\$15,139.48
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January 10, 2008

Invoice 149673

Our Matter # 27621.00BUBV
GMAC Real Estate v. Garrow Real Estate, LLC

For Services Through December 31, 2007

Invoice Summary

Current Fees Due	\$2,700.00
Current Costs Due	\$469.60
Total Current Fees and Costs Due	\$3,169.60

(see following pages for detail)

12/18/2007	149491	\$8,044.88
Total Outstanding Invoices		\$8,044.88

TOTAL DUE AT THIS TIME \$11,214.48

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January 10, 2008
Invoice 149673

12/03/07	Attention to TRO issues; analysis of TRO and memorandum in support; conference call with R. Ballot and regarding TRO; draft letter to opposing counsel regarding TRO; attention to AAA correspondence.	
	E.R. Lifvendahl	1.80 hrs.
12/03/07	Review client's comments and make revisions to verified complaint.	
	M.N. Ripani	0.20 hrs.
12/04/07	Prepare for TRO hearing; emails with defendant's attorney; analysis of jurisdictional issues; conference call with court; conference call with defendant's attorney; attend and argue TRO.	
	E.R. Lifvendahl	3.00 hrs.
12/04/07	Review list of arbitrators and compiled our approved list: Discuss with ERL regarding same.	
	T.F. Falkenberg	0.30 hrs.
12/06/07	Emails with defendant's attorney regarding arbitrator and status call.	
	E.R. Lifvendahl	0.20 hrs.
12/07/07	Attention to emails regarding settlement; submit arbitrators names and preliminary hearing dates to AAA.	
	E.R. Lifvendahl	0.50 hrs.
12/10/07	Attention to emails from client; conference call with defendant's attorney.	
	E.R. Lifvendahl	0.30 hrs.
12/11/07	Attention to emails; fill out mediation packet required by federal court in trademark cases.	
	E.R. Lifvendahl	0.50 hrs.
12/18/07	Prepare for and attend conference call with AAA and defendant's counsel; research and draft conflict list and forward to AAA.	
	E.R. Lifvendahl	1.80 hrs.
12/19/07	Attention to correspondence from AAA regarding pre-hearing requirements, exhibits, witnesses, etc.	

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January 10, 2008
Invoice 149673

	E.R. Lifvendahl	0.60 hrs.
12/20/07	Emails with AAA; analysis of AAA's letter regarding hearing procedure; confirm all materials sent to AAA including conflict check and arbitrators' names.	
	E.R. Lifvendahl	0.80 hrs.
12/20/07	Analysis of arbitrators' resumes for selection; email defendant's counsel regarding same.	
	E.R. Lifvendahl	0.50 hrs.
12/21/07	Attention to defendant's email; email client and defendant regarding extension request.	
	E.R. Lifvendahl	0.30 hrs.

BILLING SUMMARY

<u>Name</u>	<u>Title</u>	<u>Hours</u>	<u>Rate/Hr</u>	<u>Dollars</u>
E.R. Lifvendahl	PARTNER	10.30	250.00	\$2,575.00
M.N. Ripani	PARTNER	0.20	250.00	\$50.00
T.F. Falkenberg	PARTNER	0.30	250.00	\$75.00
TOTALS		10.80		\$2,700.00

Fees For Professional Services	\$2,700.00
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Reimbursable Costs

12/03/07	U.S.D.C.: Filing of Verified Complaint/TRO	350.00
12/06/07	Scott Hope, Allen & Hope Process Serving: Serving of verified complaint on defendants	59.80
12/20/07	Allen & Hope and Assoc.: Service fee on Robert Garrow	59.80
	12/13/07 (Inv. #2007029083)	
Total Reimbursable Costs		\$469.60

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January 10, 2008
Invoice 149673

Total current billing for this invoice \$3,169.60

PLEASE REMIT TOTAL BALANCE DUE \$11,214.48

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December 18, 2007

Invoice 149491

Our Matter # 27621.00BUBV
GMAC Real Estate v. Garrow Real Estate, LLC

For Services Through November 30, 2007

Invoice Summary

Current Fees Due	\$7,850.00
Current Costs Due	\$194.88
Total Current Fees and Costs Due	<hr/> \$8,044.88

(see following pages for detail)

TOTAL DUE AT THIS TIME

\$8,044.88

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December 18, 2007
Invoice 149491

10/19/07	Attention to new matter and Notice of Termination letter.	
	E.R. Lifvendahl	0.20 hrs.
10/22/07	Initial analysis of file; initial draft of arbitration demand; email client regarding AAA fees.	
	E.R. Lifvendahl	2.80 hrs.
10/29/07	Attention to emails regarding settlement and/or sale.	
	E.R. Lifvendahl	0.20 hrs.
10/31/07	Response to client email; analysis of file and finalize demand including adding new counts; forward same to client for review.	
	E.R. Lifvendahl	2.00 hrs.
11/06/07	Attention to emails regarding filing fees.	
	E.R. Lifvendahl	0.20 hrs.
11/09/07	Analysis of demand and attention to filing.	
	E.R. Lifvendahl	0.80 hrs.
11/12/07	Attention to email and attachments regarding continuing use of marks.	
	E.R. Lifvendahl	0.20 hrs.
11/13/07	Conference call with defendant's attorney; attention to emails regarding injunctive relief; forward material to defendant's attorney; analysis of prior offer and other issues.	
	E.R. Lifvendahl	1.30 hrs.
11/15/07	Emails with defendant's attorney regarding applicable AAA rules and settlement; analysis of information from AAA regarding status conference; conference call with B. Applebaum regarding Woodwardside GMAC deal; conference call with R. Ballot regarding Woodwardside.	
	E.R. Lifvendahl	1.20 hrs.
11/16/07	Analysis of documents regarding GMAC approval of Woodwardside sale; emails with Woodwardside GMAC counsel.	

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December 18, 2007

Invoice 149491

	E.R. Lifvendahl	0.70 hrs.
11/19/07	Conference call with B. Applebaum regarding sale of Woodwardside franchise.	
	E.R. Lifvendahl	0.20 hrs.
11/23/07	Attention to email from client regarding status of arbitration; review letter from Garrow's attorney regarding conference call.	
	E.R. Lifvendahl	0.30 hrs.
11/26/07	Emails to client, AAA and defendant's attorney; conference with T. Koessl and M. Rapani regarding TRO; attention to TRO issues, including claims and witnesses.	
	E.R. Lifvendahl	0.70 hrs.
11/26/07	Review file materials, franchise agreement in order to prepare emergency motion for temporary restraining order on use of marks.	
	M.N. Rapani	0.50 hrs.
11/26/07	Review various correspondence to Marks and discussion with E. Lifvendahl regarding strategy.	
	T.F. Falkenberg	0.20 hrs.
11/27/07	Conference regarding TRO in federal court.	
	E.R. Lifvendahl	0.20 hrs.
11/27/07	Prepare emergency motion for a temporary restraining order, memorandum in support of temporary restraining order, verified complaint and affidavit for GMAC employee who took photographs; conversations with same.	
	M.N. Rapani	7.50 hrs.
11/27/07	Review and revise complaint, motion for TRO and affidavit.	
	T.C. Koessl	1.00 hrs.
11/28/07	Attention to TRO issues.	
	E.R. Lifvendahl	0.10 hrs.
11/28/07	Complete memorandum in support of TRO; Continue to revise emergency motion for	

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December 18, 2007
Invoice 149491

TRO, affidavit of Formicola, telephone conversation with Formicola regarding affidavit, assemble appropriate exhibits for complaint.

	M.N. Ripani	7.50 hrs.
11/28/07	Review and revise TRO pleadings, complaint, memo, motion and affidavit; Telephone conference with R. Ballot and L. Kehler; Review sales logic contracts.	
	T.C. Koessl	3.00 hrs.
11/30/07	Attention to TRO issues and emails.	
	E.R. Lifvendahl	0.30 hrs.
11/30/07	Communications with client (Kehler and Formicola) regarding revised affidavit of Formicola; make revisions to affidavit; obtain fully-executed affidavit for use in motion for TRO.	
	M.N. Ripani	0.30 hrs.

BILLING SUMMARY

<u>Name</u>	<u>Title</u>	<u>Hours</u>	<u>Rate/Hr</u>	<u>Dollars</u>
E.R. Lifvendahl	PARTNER	11.40	250.00	\$2,850.00
M.N. Ripani	PARTNER	15.80	250.00	\$3,950.00
T.C. Koessl	PARTNER	4.00	250.00	\$1,000.00
T.F. Falkenberg	PARTNER	0.20	250.00	\$50.00
TOTALS		31.40		\$7,850.00

Fees For Professional Services	\$7,850.00
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Reimbursable Costs

10/30/07	Reliable Chicago: Copying costs (Inv. #CH006121)	194.88
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December 18, 2007
Invoice 149491

Total Reimbursable Costs \$194.88

Total current billing for this invoice \$8,044.88

PLEASE REMIT TOTAL BALANCE DUE \$8,044.88